

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12141 of 2004

Between:

- 1 Chunduri Venkatarao, S/o Gopalaswamy,
R/o Jagarlamudi Village, Yeddnapudi Mandal, Prakasam District
- 2 Nimmala Rangarao, S/o Koteswararao,
R/o Poluru Village, Yeddnapudi Mandal, Prakasam District
- 3 Amarneni Srinivasarao, S/o Bushaiah,
R/o Poluru Village, Yeddnapudi Mandal, Prakasam District
- 4 Kommuri Sivaprasad, S/o Koti Veeraiah,
R/o Poluru Village, Yeddnapudi Mandal, Prakasam District
- 5 Davalapalla Nageswararao, S/o Tirupathi Rayudu,
R/o Poluru Village, Yeddnapudi Mandal, Prakasam District

.... PETITIONERS

AND

- 1 The District Collector, Prakasam District at Ongole
- 2 The Revenue Divisional Officer, Ongole, Prakasam District
- 3 The Mandal Revenue Officer, Yeddnapudi mandal, Prakasam

District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not removing the encroachments came up on government tank bed land of Ac.27.40 cents in Sy.No.723 of Jangamvaripalem Village H/o Poluru of Yeddnapudi Mandal of Prakasam District in spite of a requisition legal notice dated 13-08-2003 got issued

by the petitioners is illegal, irregular, violative of Articles 14,21 and 300-A of Constitution of India and also contrary to the provisions of A.P.Board of Revenue Standing Orders and the land Encroachment Act and consequently direct the respondents to remove the encroachments and restore the tank to its optimum in the interest of justice.

Counsel for the Petitioners : MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents : GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The writ petition is filed seeking a declaration that the action of the respondents in not removing the encroachments on the tank bed land in Sy.No.723 of Jangamvaripalem village in Prakasam District is illegal and contrary to the A.P. Board of Revenue Standing Orders and for a consequential direction to the respondents to remove the encroachments and restore the tank.

It is the case of the petitioners that a tank admeasuring Ac.27.40 cents is in existence since long in Sy.No.723 of Jangamvaripalem village. As per the Revenue records, the tank is registered as tank poramboke land and vests in the Government. The tank is catering to the drinking water needs of the villagers of Jangamvaripalem, Tanubodduvaripalem, Chimatavaripalem and Poluru. When some villagers encroached upon the tank bed land and cultivating the same, the petitioners approached the respondents and requested them to remove the encroachments. As no action is taken, the petitioners got issued a legal notice dated 13-8-2003 to the respondents. In spite of that, no action is taken. Therefore, they filed the present writ petition.

Heard the learned counsel for the petitioners and the learned Govt. Pleader for Revenue.

Having regard to the facts and circumstances of the cases, the writ petition is disposed of at the admission stage directing the third respondent to take necessary action on the representation of the petitioners and pass appropriate orders after giving notice to the affected parties.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The District Collector, Prakasam District at Ongole
- 2 The Revenue Divisional Officer, Ongole, Prakasam District
- 3 The Mandal Revenue Officer, Yeddapanudi mandal, Prakasam

District

4. 2CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)
5. 2CD copies